

This section referred to in construing Secs. 846 and 847 of Art. 16, Code Pub. Loc. Laws (1930 Ed.). *State v. B. & O. R. R. Co.*, 171 Md. 599.

This section referred to in deciding that the failure of a railroad company to place a flagman at a crossing was not *per se* negligence. *Northern Central Ry. Co. v. Medairy*, 86 Md. 175; *Cowen v. Dietrick*, 101 Md. 49.

This and the following section, referred to in holding invalid the act of 1908, ch. 398 (a special law directing a certain railroad company to maintain safety-gates and flagmen at certain crossings). *Prince George's County v. B. & O. R. R. Co.*, 113 Md. 184.

Re. investigation of accidents by public service commission, see sec. 380.

See secs. 216 and 252.

An. Code, 1924, sec. 241. 1912, sec. 304. 1904, sec. 284. 1888, sec. 195. 1886, ch. 294, sec. 2.

243. If any railroad company shall neglect or refuse to comply with the requirements of the said county commissioners, as provided for by section 242 said railroad company shall be liable to a fine of twenty-five dollars per day for each and every day it shall neglect or refuse so to do.

See notes to sec. 242.

An. Code, 1924, sec. 242. 1912, sec. 305. 1904, sec. 285. 1888, sec. 196. 1886, ch. 294, sec. 3.

244. It shall be the duty of said county commissioners to enforce the payment of fines imposed by the preceding section, as other fines are collected, before the circuit court for said county; and the state's attorney thereof shall attend to the prosecution of all such suits when directed so to do by the said county commissioners.

An. Code, 1924, sec. 243. 1912, sec. 306. 1904, sec. 286. 1888, sec. 197. 1886, ch. 107.

245. Every railroad company of this State, heretofore or hereafter incorporated, wherever it shall find it necessary in the construction of its railroad or any lateral branch, is hereby authorized to cross at, under or over grade any railroad now or hereafter constructed; and if the said railroad company cannot agree with the company or companies owning and operating such railroad or railroads, whose track is or tracks are to be crossed, as to the compensation and terms upon which such crossing or crossings shall be made, then the said railroad company may condemn the easement of such crossing or crossings in the same mode prescribed for the condemnation of the lands of individuals in and by section 206 of this article; provided, that if any of the said crossings shall be made at the grade, then the said railroad company shall, at its own expense, erect a proper signal station at such crossings and keep a watchman thereat; and the trains of the company owning and operating the said road so crossed at grade shall have precedence over the trains of the company so crossing said track or tracks; and provided further, that if the said crossings shall be under or over grade, they shall be so constructed by the said railroad company so crossing as not to interfere with the passage of trains under or over the same by the company or companies operating the railroad so crossed.

As to elimination of grade crossings, see art. 89B, sec. 27, *et seq.*

See notes to secs. 344 and 388.

An. Code, 1924, sec. 244. 1912, sec. 307. 1904, sec. 287. 1888, sec. 198. 1838, ch. 244, sec. 1. 1841, ch. 266. 1846, ch. 346. 1924, ch. 374.

246. Railroad companies shall be responsible for injuries resulting in death or otherwise inflicted upon any stock, as cattle, horses, sheep, hogs, and so forth, or by fire occasioned by their engines or carriages, upon any of their roads and branches thereof, unless the said companies can prove to the satisfaction of the justice or other tribunal before which the suit may be tried that the injury complained of was committed without any negli-